

04-15-04

AF/2674

Application Serial No. 09/460,197-2000



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<p>In re the Application of:</p> <p>JOHN SPENCER CUNNINGHAM ET AL.</p> <p>Serial No.: 09/460,197</p> <p>Filed: 12/13/1999</p> <p>For: MULTIPLE AND HYBRID DISPLAY TYPES</p>	<p>RECEIVED</p> <p>APR 19 2004</p> <p>Art Unit: 2674 Technology Center 2600</p> <p>Examiner: NGUYEN, KEVIN M.</p>
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APPELLANT'S SUPPLEMENTAL APPEAL BRIEF

To: Mail Stop Appeal Brief-Patents
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Honorable Assistant Commissioner for Patents:

As provided in 37 C.F.R. § 1.193, Appellant provides its Supplemental Appeal Brief in triplicate in connection with the above-identified application with the Board of Patent Appeals and Interferences ("Board"). After Applicant's Appeal Brief was timely filed, a non-final office action was sent by the office on 1/15/04. The following is a supplemental appeal brief discussing the new reference and arguments raised by the Examiner in the office action. It is Applicant's contention that the new prior art does not

raise any new issues, thus the only matters that need supplementation are the same issues in the first appeal brief but with the addition of the newly raised prior art. There are no new amendments, affidavits or other evidence submitted with this brief. The Applicant incorporates by reference items numbered (1) through (7) and (9) of the appeal brief of October 23, 2003, as if fully set forth herein. All of the aforementioned issues and/or arguments as set forth in the original appeal brief are still considered to be relevant. In addition, item (8) is supplemented as set forth below.

(8) Arguments

35 U.S.C. § 103(a) rejections

Claims 33-36, 38-46 and 48-52 were rejected under 35 USC §103(a) as being unpatentable over Stoddard et al., in view of Brown. The deficiencies of the Examiner's arguments regarding Stoddard et al., were extensively discussed in the original appeal brief and need not be repeated. The Brown reference was raised to provide the deficiency of "Stoddard et al., which fails to teach linking generated code from said formats to a standard graphics library." The Examiner then goes on to discuss how Brown teaches dynamically linked libraries. Brown teaches an improved method for analyzing library calls made by a program and, particularly, improved methods of call tracing. Brown discusses a means for call tracing and analyzing the library calls made. It does not have anything to do with generation of graphical images or the use of a "single display routine". Nor does it discuss the ability to drive multiple displays of different types. Each of these features is specifically claimed in independent claims 33, 38, 43, and 48. Brown appears to be totally irrelevant to the claims at issue.

The prosecution of the present patent application and the appeal brief is focused on a single feature in the independent claims, a single display routine. Noticeably absent from the 1-15-2004 office action is any mention of the claimed single display routine element. The newly cited Brown reference does not mention or imply a single display

routine for any purpose. As extensively discussed in the prior responses to the office actions and the original appeal brief, none of the cited references individually or in combination discuss, imply or even hint at a single display routine for driving multiple displays of different types.

Conclusion

In view of the foregoing, Applicant respectfully requests that the Board of Patent Appeals and Interferences overrule the Final Rejection of Claims 33-36, 38-46 and 48-52 over the cited art, and hold that Appellant's Claims are allowable over the references.

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Date: April 13, 2004

Respectfully submitted,

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